

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 07-345
v.	*	SECTION: "J"
GARRY MAJOR	*	VIOLATION: 18 U.S.C. § 641
	* * *	

FACTUAL BASIS

The Defendant, **GARRY MAJOR**, (hereinafter **Defendant Major**), has agreed to plead guilty as charged to the first count of a three-count Indictment. Count One charges **Defendant Major** with theft of government funds in violation of Title 18, United States Code, Section 641.

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment now pending against the defendant:

The Social Security Administration (SSA) was, at the time of the offense, an agency or department of the United States of America empowered with duties including, but not limited to, determining eligibility for social security disability benefits and providing and administering such benefits under Title II of the Social Security Act. The Commissioner of Social Security was the Head of the Social Security Administration.

Defendant Major has received social security disability benefits for himself and dependent family members since May, 1992. Since that time, Major has worked intermittently at R. Lumber Company, and has worked there regularly since September, 2002. Until confronted by Special Agents from SSA's Office of the Inspector General in November, 2006, Defendant Major never informed the Commissioner of Social Security, or any other SSA employee, of his employment at R. Lumber Company. **Defendant Major** concealed his work at the company by having R. Lumber Company report his wages under a social security number belonging to his son, Garry Major, Jr., which he represented to be his own number.

In September 2006, Garry Major Jr. complained to R. Lumber Company that **Defendant Major** was wrongfully using his (Garry Major Jr.'s) social security number. At that time, a representative of R. Lumber Company asked that **Defendant Major** to provide the company with proof of his social security number. At that time, **Defendant Major** knowingly provided R. Lumber Company with a social security card with an altered number in order to maintain his employment at R. Lumber Company. At trial, the government would have introduced a copy of the altered social security card as well as a copy of the card that was kept on file at R. Lumber Company.

An SSA auditor would testify, based on the date the defendant and his dependants became ineligible for SSA payments because of the defendant's work history, the defendant received \$154, 010.02 in benefits to which he was not entitled to. From September 13, 2002 to December 31, 2006, the defendant received \$82, 867.00 in benefits he was not entitled to.

Documents in the files of the SSA would demonstrate that a form sent to him in 2000 was returned to the SSA, wherein the defendant certified that he had not worked from the time he began receiving disability income until 2000.

Defendant Major admitted to special agents of SSA that he did not use his correct Social Security Number and that he did not report his income as required as a recipient of SSI disability income.

MARVIN OPOTOWSKY
(LA Bar No. 10221)
Assistant United States Attorney

Date

GARRY MAJOR
Defendant

Date

VIRGINIA LAUGHLIN SCHLUETER
(LA Bar No.11587)
Federal Public Defender
Attorney for Defendant_____

Date